

2018 WL 1481507 (N.Y.Sup.) (Trial Pleading)
Supreme Court of New York.
Bronx County

Luis NEGRON, Plaintiffs,

v.

CITY OF NEW YORK, New York City Police Department, Detective **Abdiel Anderson**,
Shield 1429 of Narchbx and New York City Police Officers John Doe, Defendants.

No. 22938/2018E.
March 13, 2018.

Index Number Date Purchased: Date Filed:

Plaintiff's residence is: [REDACTED]

Summons

Jason A. Steinberger, Esq., 505 Eighth Avenue, Suite 701, Law Offices of Jason A. Steinberger, LLC, New York, NY 10018, (646) 256-1007, for plaintiff.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to Answer the Verified Complaint in this action and serve a copy of your answer, or if the Verified Complaint is not served with this Summons to serve a notice of Appearance on the Plaintiffs attorney within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York) and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

The basis of venue designated is that the cause of action arose in Bronx County.

Dated: March 13, 2018

New York, N

Yours, etc.,

LAW OFFICES JASON A. STEINBERGER, LLC Attorney Avenue Suit New ork, NY 10018 (646) 256-1007

To: City of New York

New York City Police Department

Detective **Abdiel Anderson**, Shield 1429 of NARCBBX

New York City Police Officers John Doe

Plaintiff, by and through his attorney, JASON A. STEINBERGER, Esq, for his complaint, alleges upon information and belief as follows:

STATEMENT OF FACTS

1. That at all times hereinafter mentioned, Plaintiff Luis Negron (hereinafter referred to as “NEGRON”) is a resident of Bronx County, State of New York.
2. That at all times hereinafter mentioned, Detective **Abdiel Anderson**, Shield 1429 of NARCBBX, (hereinafter referred to as “ANDERSON”) was employed by the New York City Police Department.
3. That at all times hereinafter mentioned, the New York City Police Officers John Doe, the officers involved in the arrest of NEGRON, (hereinafter referred to as “DOES”) were employed by the New York City Police Department.
4. That at all times hereinafter mentioned, Defendant City of New York, is a municipal corporation organized and existing under the laws of the State of New York, with a principal place of business located at 1 Centre Street, County of New York State of New York.
5. That at all times hereinafter mentioned, Defendant New York City Police Department, is an agency created and maintained by the above municipal government.
6. On or about August 18, 2017 notice required by Municipal Law 50-E was given to City of New York, by personal service. Said notice set forth the facts underlying Plaintiffs' claim against the City of New York, and its agents and employees. To date, no answer has been received by Plaintiff and no compensation has been offered by the City of New York.
7. On or about January 25, 2018, the Honorable Mitchell Danziger deemed the Notice of Claim timely as to all causes of action.
8. That on or about January 9, 2018, a hearing required by Municipal Law 50-H was conducted. At said hearing, Plaintiff testified and set forth the facts underlying Plaintiffs' claim against the City of New York and its agents and employees. To date, no answer has been received by Plaintiff and no compensation has been offered by the City of New York in response to this claim, and more than thirty (30) days have elapsed.
9. That on or about December 16, 2016 at approximately 2:00PM in the vicinity of 2634 Third Avenue, Bronx, NY, Plaintiff was meeting his friend at a local bodega when ANDERSON and DOES stopped, handcuffed and arrested him.
10. That at no time did Plaintiff engage in any unlawful or illegal behavior.
11. That at no time did Plaintiff possess or sell a narcotic substance.
12. That after Plaintiff was arrested, he was transported to the 40 precinct.
13. That while Plaintiff was inside of said precinct, Plaintiff was held in a holding cell occupied with other males for several hours.
14. That after several hours Plaintiff was removed to Bronx County Central Booking located at 215 East 161 Street, Bronx, NY.

15. That while Plaintiff was held at Bronx County Central Booking, he was held in a cell with other males for several hours.

16. That on or about December 17, 2016, Plaintiff was arraigned in Bronx County Criminal Court on docket 2016BX054597 and charged with Criminal Sale of a Controlled SUBstance and related offenses.

17. That at the time of the arraignment, Plaintiff was released on his recognizance.

18. That on and between December 17, 2016 and June 16, 2017, Plaintiff made several court appearances until the matter was dismissed upon application of the Bronx District Attorney.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS

19. Plaintiff repeats, reiterates and realleges the allegations contained in paragraphs 1 through 18, as if more fully stated herein at length.

20. That Defendants acted with actual malice toward Plaintiff and with willful and wanton indifference to and deliberate disregard for the statutory and constitutional rights of the Plaintiff.

21. That the actions of the Defendants constituted unreasonable deprivation of liberty without due process of law.

22. That as a result of the actions of Defendants, Plaintiff was seriously injured due to the intentional manner in which Defendants, their agents, servants, employees and/or licensees treated Plaintiff and he was wounded, suffered, still suffers, and will continue to suffer for some time great physical pain and great bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

23. That as a result of the actions by Defendants, Plaintiff was traumatized and fears his physical safety when he sees and encounters members of the New York City Police Department from that day and onward.

24. That as a result of the Defendants' actions, Plaintiff has been unable to sleep.

25. That as a result of the Defendants' actions, Plaintiff missed several days form work.

26. That as a result of the Defendants' actions Plaintiff sustained damage to his person in the sum within the jurisdiction of the Supreme Court and in excess of all inferior courts.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS

27. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 26, as if more fully stated herein at length.

28. The intentional verbal abuse, false arrest, false imprisonment and malicious prosecution by Defendants violated the rights of the Plaintiff as guaranteed by the Fourth, Fifth and Eighth Amendments to the Unites States Constitution, as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable.

29. Defendants having no lawful authority to arrest Plaintiff, did, nevertheless, unlawfully arrest Plaintiff with actual malice toward him and with willful and wanton indifference to and deliberate disregard for his constitutional rights. Thus Plaintiff is entitled to both compensatory and exemplary damages.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS

30. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 29, as if more fully stated herein at length.

31. Defendants conspired to violate Plaintiff's statutory civil rights in violation of [42 U.S.C. sec. 1983](#), et al as well as the corresponding sections of the New York State Constitution, for which Defendants are individually liable. Thus Plaintiff is entitled to both compensatory and exemplary damages, as well as attorney's fees.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS

32. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 31, as if more fully stated herein at length.

33. Plaintiff was verbally abused, falsely arrested, falsely imprisoned and maliciously prosecuted by Defendants in a manner that was extreme, outrageous and unjustified and caused Plaintiff to suffer physical and severe emotional distress for which the Defendants are individually liable. The verbal abuse, false arrest, false imprisonment and malicious prosecution on and of Plaintiff by Defendants were unjustified and done with actual malice and wanton indifference to and deliberate disregard for human life and the rights of Plaintiff. Plaintiff is thus entitled to compensatory and exemplary damages.

34. That during the pendency of the case, Defendants maliciously prosecuted Plaintiff by continuing to cooperate in a prosecution when Plaintiff should never have been arrested. Plaintiff is thus entitled to compensatory and exemplary damages.

**AS AND FOR A FIFTH CAUSE OF ACTION AS AGAINST CITY
OF NEW YORK AND NEW YORK CITY POLICE DEPARTMENT**

35. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 34, as if more fully stated herein at length.

36. At all times pertinent hereto, ANDERSON and DOES were acting within the scope of their employment as officers of the New York City Police Department and City of New York.

37. The City of New York and New York City Police Department are each liable for compensatory damages under the doctrine of respondeat superior for the intentional torts that ANDERSON and DOES committed within the scope of their employment.

**AS AND FOR A SIXTH CAUSE OF ACTION AS AGAINST CITY
OF NEW YORK AND NEW YORK CITY POLICE DEPARTMENT**

38. Plaintiffs repeats, reiterates and realleges the allegations contained in paragraphs 1 through 37, as if more fully stated herein at length.

39. The City of New York and New York City Police Department's failure to provide adequate training and supervision to ANDERSON and DOES constitutes a willful and wanton indifference and deliberate disregard for human life and the rights of private citizens, including Plaintiff. Plaintiff is thus entitled to compensatory exemplary damages.

**AS AND FOR A SEVENTH CAUSE OF ACTION AS AGAINST CITY
OF NEW YORK AND NEW YORK CITY POLICE DEPARTMENT**

40. Plaintiff repeats, reiterates and realleges the allegations contained in paragraphs 1 through 39, as if more fully stated herein at length.

41. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory that it was ineffective and permitted and tolerated the unreasonable detention of Plaintiff.

42. Upon information and belief, the City of New York and New York City Police Department maintained a system of review of police conduct which was so untimely and cursory that it was ineffective and permitted the wanton indifference to and deliberate disregard for the statutory and constitutional rights of Plaintiff.

WHEREFORE, Plaintiffs each demand judgment against the Defendants as follows:

On the first cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts;

On the second cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts, together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the willful and wanton nature of Defendants actions.

On the third cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the willful and wanton nature of Defendants actions.

On the fourth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts owing to the wanton and willful nature of the Defendants actions;

On the fifth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts

On the sixth cause of action, a sum within the jurisdiction of the of this Court and in excess of all inferior courts together with the additional exemplary sum within the jurisdiction of this court and in excess of all inferior courts.

On the seventh cause of action, a sum within the jurisdiction of this Court and in excess of all inferior courts.

Law Offices of Jason A. Steinberger, LLC

Jason A. Steinberger, Esq.

Attorney for Plaintiff

505 Eighth Avenue

Suite 701

New York, NY 10018

(646) 256-1007

STATE OF NEW YORK: COUNTY OF NEW YORK

The undersigned, an attorney admitted to practice in the State of New York, under penalties of perjury, affirms the following to be true: Affirmant has read the foregoing Complaint and the contents thereof; the same is true to affirmant's own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters affirmant believes it to be true; and the reason this verification is made by affirmant and not by the plaintiff is because the plaintiff is not within the county in which your affirmant maintains his principal office. The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are communications with the plaintiff, review of records and documents within affirmant's possession.

Affirmed: March 13, 2018

Jason A. Steinberger

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.